IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 191 OF 1997

P.K.Singh ....
Petitioner
V/s
Hindi Prachar Mandal & Ors..... .....
Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.) Court's or Judge's Orders

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Mr.M.S.Karnik, Adv. for the petitioner.

Mr.A.G.Kothari, Adv. For respondent No.1.

CORAM: A.P. DESHPANDE, J.

8.3.2007

PC:

Parties to this petition have placed on record minutes of order duly signed by the petitioner and respondent No.1 and their respective advocates. Perusal of the minutes of order reveals that the petitioner had served as an Assistant Teacher in secondary school from

9.7.1993 to 13.6.97 on which date the school came to be closed down on account of derecognition. Since then till date no action seems to have been taken in conformity with Rule 25A of the Maharashtra Employees of Private Schools (Condition of Service) Regulation Act, 1977 (the though it is mentioned in the minutes of order that the petitioner be granted absorption in some other recognized and aided school, the same cannot be so permitted as there is no right in an employee to claim absorption in the event of closure of school on account of derecognition. The right of a person rendered jobless on account of closure of school is restricted to sub-rule 2 of Rule 25A. Hence the petitioner can at the most claim that his name be included in waiting list to he maintained by the Eduction Officer and his name be recommended to some other newly opened school or to the existing aided schools which are allowed to open additional division or classes subject to satisfaction of the officer concerned that the employee is not responsible for derecognition. On instructions from the petitioner, who is present in the Court, learned counsel submits that writ petition be disposed of by directing inclusion of name of the petitioner in the

waiting list maintained by the Education Officer under Rule 25A of MEPS Rules. In the result, writ petition is partly allowed. The Education Officer is directed to include the name of the petitioner in the waiting list maintained by him under Rule 25A of MEPS Rules and recommend his name to newly opened schools or school which has been permitted to run additional divisions or classes after ascertaining that the petitioner was not responsible for derecognition of the school. The petitioner is permitted to make a representation to the Education Officer claiming the difference of salary for the period during which he has worked and the Education Officer shall decide the said representation in accordance with law. The name of the petitioner shall be included in the waiting list by granting due placement in the list having regard to the date of closure of the school, it being 13.6.95. Rule made absolute in above terms. No order as to costs.

8.3.07.